

# SENATE BILL 344

J2, O4

11r2248  
CF HB 387

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By: **Senators Middleton, Kasemeyer, and Kelley**

Introduced and read first time: February 2, 2011

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 24, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Residential Child and Youth Care Practitioners – ~~Definition~~ Certification –**  
3 **~~Change in Date and Implementation Plan~~**

4 FOR the purpose of ~~altering the definition of “residential child and youth care~~  
5 ~~practitioner” as it relates to the certification of certain residential child care~~  
6 ~~program professionals so as to exclude individuals performing certain duties in~~  
7 ~~certain private therapeutic group homes; defining a certain term date by which~~  
8 ~~an individual must receive a certificate from the State Board for Certification of~~  
9 ~~Residential Child Care Program Professionals before the individual may be a~~  
10 ~~residential child and youth care practitioner in the State; requiring the~~  
11 ~~Governor’s Office for Children to establish a workgroup composed of certain~~  
12 ~~representatives to develop a plan for implementation of the certification;~~  
13 ~~requiring the workgroup to take certain items into consideration in developing~~  
14 ~~the plan; requiring the plan to specify a certain rate adjustment and certain~~  
15 ~~recommendations; requiring the Office to report on the workgroup’s~~  
16 ~~implementation plan to the Governor and certain legislative committees on or~~  
17 ~~before a certain date; and generally relating to certification of residential child~~  
18 ~~and youth care practitioners.~~

19 BY repealing and reenacting, ~~with~~ without amendments,  
20 Article – Health Occupations  
21 Section ~~20-101~~ 20-301(b)  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume and 2010 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health Occupations**

4 ~~20-101.~~

5 (a) ~~In this title the following words have the meanings indicated.~~

6 (b) ~~(1) “Agency” means:~~

7 (i) ~~The Developmental Disabilities Administration in the~~  
8 ~~Department;~~

9 (ii) ~~The Department;~~

10 (iii) ~~The Department of Human Resources;~~

11 (iv) ~~The Department of Juvenile Services; and~~

12 (v) ~~The Mental Hygiene Administration in the Department.~~

13 ~~(2) “Agency” includes the State Superintendent of Schools.~~

14 (c) ~~“Board” means the State Board for Certification of Residential Child Care~~  
15 ~~Program Professionals.~~

16 (d) ~~“Certificate” means, unless the context requires otherwise, a certificate~~  
17 ~~issued by the Board to practice as a program administrator or as a residential child~~  
18 ~~and youth care practitioner.~~

19 (e) ~~“Certified program administrator” means, unless the context requires~~  
20 ~~otherwise, an individual who is certified by the Board to practice as a program~~  
21 ~~administrator.~~

22 (f) ~~“Certified residential child and youth care practitioner” means, unless the~~  
23 ~~context requires otherwise, an individual who is certified by the Board to practice as a~~  
24 ~~residential child and youth care practitioner.~~

25 ~~(g) “PRIVATE THERAPEUTIC GROUP HOME” HAS THE MEANING STATED~~  
26 ~~IN § 10-920 OF THE HEALTH GENERAL ARTICLE.~~

27 ~~[(g)] (h) “Program administrator” means the individual responsible for the~~  
28 ~~day-to-day management and operation of a residential child care program and for~~  
29 ~~assuring the care, treatment, safety, and protection of the children in the residential~~  
30 ~~child care program.~~

1 ~~[(h)] (I)~~ (1) ~~“Residential child and youth care practitioner” means an~~  
 2 ~~individual assigned to perform direct responsibilities related to activities of daily~~  
 3 ~~living, self help, and socialization skills in a residential child care program under the~~  
 4 ~~direction of a certified program administrator.~~

5 (2) ~~“Residential child and youth care practitioner” does not include~~  
 6 ~~[an]:~~

7 ~~(I) AN individual assigned to perform direct responsibilities~~  
 8 ~~related to activities of daily living, self help, and socialization skills in a residential~~  
 9 ~~child care program licensed by the Developmental Disabilities Administration; OR~~

10 ~~(H) AN INDIVIDUAL ASSIGNED TO PERFORM DIRECT~~  
 11 ~~RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING, SELF HELP, AND~~  
 12 ~~SOCIALIZATION SKILLS IN A PRIVATE THERAPEUTIC GROUP HOME LICENSED BY~~  
 13 ~~THE DEPARTMENT.~~

14 ~~[(i)] (J)~~ (1) ~~“Residential child care program” means an entity that~~  
 15 ~~provides for children 24 hour per day care within a structured set of services and~~  
 16 ~~activities that are designed to achieve specific objectives relative to the needs of the~~  
 17 ~~children served and that include the provision of food, clothing, shelter, education,~~  
 18 ~~social services, health, mental health, recreation, or any combination of these services~~  
 19 ~~and activities.~~

20 (2) ~~“Residential child care program” includes a program:~~

21 ~~(i) Licensed by:~~

22 ~~1. The Department of Health and Mental Hygiene;~~

23 ~~2. The Department of Human Resources; or~~

24 ~~3. The Department of Juvenile Services; and~~

25 ~~(ii) That is subject to the licensing regulations of the Governor’s~~  
 26 ~~Office for Children governing the operations of residential child care programs.~~

27 20-301.

28 (b) On or before October 1, ~~2015~~ 2016, an individual shall receive a  
 29 certificate from the Board before the individual may be a residential child and youth  
 30 care practitioner in this State.

31 SECTION 2. AND BE IT FURTHER ENACTED, That:

1           (a) The Governor's Office for Children shall establish a workgroup composed  
2 of representatives of the State Board for Certification of Residential Child Care  
3 Program Professionals, the Department of Human Resources, the Department of  
4 Health and Mental Hygiene, the Department of Juvenile Services, the Interagency  
5 Rates Committee, residential child care programs, the Community Behavioral Health  
6 Association of Maryland, Maryland Association of Resources for Families and Youth,  
7 and other interested persons to:

8           (1) determine whether it is feasible to implement the certification of  
9 residential child and youth care practitioners in 2015; and

10           (2) develop a plan for implementation of the certification of  
11 residential child and youth care practitioners ~~in 2016~~.

12           (b) In determining the feasibility of implementing certification in 2015 and  
13 in developing the implementation plan, the workgroup shall take into consideration:

14           (1) the costs of implementing certification, including:

15           (i) the costs to residential child care programs of hiring and  
16 retaining residential child and youth care practitioners who meet the certification  
17 requirements;

18           (ii) other costs incurred by residential child care programs to  
19 meet the certification requirements;

20           (iii) any additional costs to the State Board for Certification of  
21 Residential Child Care Program Professionals to meet the ~~2016~~ implementation date;

22           (2) any savings, that residential child care programs might realize  
23 from certification to help offset their costs, such as potential savings from reduced  
24 staff turnover;

25           (3) efficient ways to reduce additional costs, such as "train the trainer"  
26 programs and common evaluation tools;

27           (4) the impact of additional costs, net of any savings and efficiencies,  
28 to residential care programs on rates established by the Interagency Rate Committee;  
29 and

30           (5) any additional funding sources, separate from the rates established  
31 by the Interagency Rate Committee, that may be available to support the additional  
32 costs.

33           (c) The implementation plan shall specify:

1           (1) the adjustment in rates needed to support the additional costs of  
 2 certification; ~~and~~

3           (2) recommendations for addressing the needed rate increase in the  
 4 State budget; and

5           (3) a recommendation for an alternate date for implementation of  
 6 certification if the workgroup determines that it is not feasible to implement  
 7 certification in 2015.

8           (d) On or before September 1, 2011, the Governor's Office for Children shall  
 9 report on the workgroup's implementation plan to the Governor and, in accordance  
 10 with § 2-1246 of the State Government Article, the Senate Education, Health, and  
 11 Environmental Affairs Committee and the House Health and Government Operations  
 12 Committee.

13           SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the  
 14 General Assembly that the rates established for residential child care programs by the  
 15 Interagency Rate Committee reflect any adjustment, specified in the plan required  
 16 under Section 2 of this Act, needed to support the additional costs of certification of  
 17 residential child and youth care practitioners.

18           SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
 19 effect ~~October~~ June 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.